



8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA

10
11 UNITED STATES OF AMERICA,)
12 Plaintiff,) SA 09-436M
13 v.) ORDER OF DETENTION AFTER HEARING
14 JUAN DIAZ CARASCO,) (18 U.S.C. § 3142(i))
15 Defendant.)
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17 I.

18 A. On motion of the Government involving an alleged
19 1. crime of violence;
20 2. offense with maximum sentence of life imprisonment or death;
21 3. narcotics or controlled substance offense with maximum sentence of ten or more years
22 (21 U.S.C. §§ 801,951, et. seq.,/955a);
23 4. felony - defendant convicted of two or more prior offenses described above.
24 B. On motion (by the Government) / (by the Court sua sponte involving)
25 1. serious risk defendant will flee;
26 2. serious risk defendant will
27 a. obstruct or attempt to obstruct justice;
28 b. threaten, injure, or intimidate a prospective witness or juror or attempt to do so.

II.

The Court finds no condition or combination of conditions will reasonable assure:

- A. (X) appearance of defendant as required; and/or
- B. () safety of any person or the community;

III.

The Court has considered:

- A. (x) the nature and circumstances of the offense;
- B. (x) the weight of evidence against the defendant;
- C. (x) the history and characteristics of the defendant;
- D. () the nature and seriousness of the danger to any person or to the community.

IV.

The Court concludes:

A. () Defendant poses a risk to the safety of other persons or the community because:

B. (x) History and characteristics indicate a serious risk that defendant will flee because:
Defendant is undocumented. He has no ties to the community and no bail resources.

C. () A serious risk exists that defendant will:

1. () obstruct or attempt to obstruct justice;
2. () threaten, injure or intimidate a witness/ juror; because:

D. () Defendant has not rebutted by sufficient evidence to the contrary the presumption provided in 18 U.S.C. § 3142 (e).

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1 IT IS ORDERED that defendant be detained prior to trial.

2 IT IS FURTHER ORDERED that defendant be confined as far as practicable in a corrections
3 facility separate from persons awaiting or serving sentences or person held pending appeal.

4 IT IS FURTHER ORDERED that defendant be afforded reasonable opportunity for private
5 consultation with his counsel.

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8 Dated: October 1, 2009

9 **MARC L. GOLDMAN**

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Marc L. Goldman
U.S. Magistrate Judge

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